

**COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE**

**April 3, 2000**

**D033686        People v. Tapia**

The judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., Nares, J.

**D033073        In re Maria G., a Juvenile**

The juvenile court's order placing Maria on probation is affirmed but for the condition she pay a \$100 fine pursuant to Welfare and Institutions Code section 730.5. The matter is remanded for the trial court to determine whether Maria is financially able to pay this fine. Work, Acting P.J.; We Concur: Haller, J., McDonald, J.

**D031923        People v. Godinez**

Judgement affirmed. Benke, Acting P.J.; Nares, J., McDonald, J.

**D032146        Bubion et al. v. The Landing Homeowners' Association**

**D032643**        The petition for rehearing is denied.

**D034944        Bank of America v. Workers' Compensation Appeals Board and Dallas**

The petition is denied as premature. Dallas' request for attorney fees under section 5801 is denied.

**COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE**

**April 4, 2000**

**D032289      Carpenter et al. v. Producer Sportfishing, Inc. et al.**

The judgment is affirmed. Appellant shall pay respondents' costs on appeal. Nares, J.; We Concur: Work, Acting P.J., O'Rourke, J.

**D031457      Concha et al. v. KIFM Broadcasting Limited Partnership et al.**

The petition for rehearing is denied.

**D033426      People v. Lennon**

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 38).

**D034204      In re Skye G., a juvenile**

The judgment is affirmed. Work, Acting P.J.; We Concur: Benke, J., O'Rourke, J.

**D033264      Hommy et al. v. Farmers Insurance Exchange**

The judgment is affirmed. Work, Acting P.J.; I Concur: Haller, I Concur in Result: McIntyre, J.

**D033590      Davidson v. Ryan et al.**

Judgment affirmed. Ryans are entitled to their costs on appeal. Work, Acting P.J.; We Concur: Haller, J., McIntyre, J.

**D032550      People v. Edmonson**

The judgment is affirmed. Work, Acting P.J.; We Concur: Haller, J., McIntyre, J.

**D033120      In re Adrain D., a Person Coming Under the Juvenile Court Law.**

The judgment is affirmed as modified with directions. Work, Acting P.J.; We Concur: Huffman, J., O'Rourke, J.

**D034284      In re Justin C., a juvenile**

The order is affirmed. Haller, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

**D033179      Equity/Income Growth Fund, XIV et al. v. Klauber Wangenheim Co.**

The petition for rehearing is denied.

**D033441      People v. Harris**

The judgment is reversed as to the sentence and the matter is remanded for resentencing consistent with this opinion. In all other respects, the judgment is affirmed. Work, Acting P.J.; We Concur: Haller, J., McIntyre, J.

**D031428      People v. Burton**

The judgment is reversed. Work, Acting P.J.; We Concur: Nares, J., O'Rourke, J.

**COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE**

**April 4, 2000 (Continued)**

**D033932        Dargi v. Cornwell et al.**

The judgment is reversed and the matter is remanded to the Superior Court, which is directed to dismiss the action with prejudice. The remittitur shall issue immediately. Each party shall bear its own costs on appeal. Benke, Acting P.J.; We Concur: Nares, J., McDonald, J.

**D034065        National JIB Franchisee Association, Inc. et al. v. Foodmaker, Inc.**

Upon written request filed by appellants National JIB Franchisee Association, Inc., Abolghassem Alizadeh, Michael O. Bladow, Terence Chu, Timothy Craig, Brian W. Emry, Steven Flohr, Adam Gonzales, Mohammad Kalam, F. Michael Norwich, Betty O'Connor, Stephen Stein, Theodore Tom, Austin Wallestad, Food Service Management, Inc., Kobra Associates, Inc., Central Valley Food Services, Inc., CEO Foods, Inc., Odessa Enterprises, Inc., Stine Enterprises, Inc., the appeals as to those appellants are dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 19(b)).

**D033789        People v. Cameron**

The conviction on count 2 is reversed. In all other respects, the judgment is affirmed. Work, Acting P.J.; We Concur: Huffman, J., Nares, J.

**D033034        Bomil, Inc. v. Hoffelder et al.**

The order is affirmed. Wagner, J. (Assigned); We Concur: Benke, Acting P.J., O'Rourke, J.

**D033035        Crawford v. Sallie Mae Servicing Corporation et al.**

The judgment is affirmed. Crawford shall pay the costs incurred by Riley, SMSC and Great Lakes on appeal. Nares, J.; We Concur: Work, Acting P.J., Huffman, J.

**D033735        People v. Chavez**

Judgment affirmed. McDonald, J.; We Concur: Haller, Acting P.J., O'Rourke, J.

**D027176        People v. Cornelius**

The convictions and true findings are affirmed. The trial court is directed to prepare an amended abstract of judgment to reflect count 2 as the principal term which is tripled under the three strikes law and to send the corrected abstract to the Department of Corrections. As so modified, the judgment is affirmed.

CERTIFIED FOR PARTIAL PUBLICATION. Huffman, J.;

We Concur: Work, Acting P.J., McInture, J.

**D033074        People v. Larios**

The sentence is vacated and the case remanded to the trial court for resentencing in accordance with the views expressed in this opinion. In all other respects the judgment is affirmed. Huffman, J.;

We Concur: Kremer, P.J., Nares, J.

**D032637        Novak v. Pasternack et al.**

The judgment is affirmed. Haller, J.; We Concur: Work, Acting P.J., McIntyre, J.

**COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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DIVISION ONE**

**April 5, 2000**

**D032688        People v. Smith**

Judgment affirmed. Kremer, P.J.; We Concur: Work, J., Huffman, J.

**D033782        People v. Starr**

The judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., McIntyre, J.

**D033143        People v. Ortiz**

The judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., McDonald, J.

**D035083        Stakely v. W.C.A.B. et al.**

The petition is denied.

**D031075        Legion for the Survival of Freedom v. Carto et al.**

Appellants Willis Carto, Elizabeth Carto, Henry Fischer, Lewis Furr and LaVonne Furr have failed to file briefs after notice given pursuant to California Rules of Court, rule 17(a). Their appeals are dismissed. Appellant Liberty Lobby has failed to notify this court by letter of the progress of the bankruptcy proceedings as directed by this court on January 27, 2000. The appeal is dismissed as abandoned.

**D035015        Speck v. Heyne et al.**

Appellant has been declared a vexatious litigant within the meaning of Code of Civil Procedure section 391 and is subject to a prefiling order to permit the filing of the appeal pursuant to Code of Civil Procedure section 391.7, subdivision (b).

As appellant has neglected to inform this court of his current address, and all attempts by the court to notify appellant of the above requirements have failed, this court's stay order of February 3, 2000, is vacated and the appeal is dismissed.

**D032381        Lear et al. v. Board of Retirement of the San Diego County Employees Retirement Association et al.**

The petition for rehearing is denied.

**D031927        People v. Montemayor**

Judgment affirmed. Huffman, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

**D031770        People v. Bozeman**

The judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., Nares, J.

**D033857        People v. Brinson**

Judgment affirmed. Huffman, Acting P.J.; We Concur: Nares, J., McDonald, J.

**D034585        In re Joshua S., a Juvenile**

The appeal is dismissed. Work, Acting P.J.; We Concur: Benke, J., McIntyre, J.

**COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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DIVISION ONE**

**April 5, 2000 (Continued)**

**D033395        In re Eric L., a Juvenile**

Judgment affirmed. Work, J.; We Concur: Kremer, P.J., O'Rourke, J.

**D033397        People v. Wooten**

The judgment is affirmed. Kremer, P.J.; We Concur: Work, J., O'Rourke, J.

**COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE**

**April 6, 2000**

**D035363        HGFN-60 et al. v. Superior Court of San Diego County/Adkins**  
The petition is denied.

**D034825        In re Laudermill on Habeas Corpus**  
The petition is denied.

**D035359        Insurance Company of The West v. Superior Court of San Diego County/Prestige  
Plumbing & Mechanical**  
The petition is denied.

**D028955        Maghsoudi v. Pickford Realty, Ltd. et al.**  
**D029452        Maghsoudi v. Dewey Services, Inc. et al.**  
The judgment in favor of Pickford is reversed. The judgment in favor of Dewey is affirmed. In appeal number D028955, costs are awarded to Maghsoudi. In appeal number D029452, costs are awarded to Dewey. McIntyre, J.; We Concur: Benke, Acting P.J., Nares, J.

**D034191        Burritt et al. v. ONA, Inc. et al.**  
Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal is dismissed.

**D032800        Duscheone v. Toys "R" US, Inc.**  
The judgment is reversed. Costs are awarded to Duscheone. McIntyre, J.; We Concur: Kremer, P.J., Haller, J.

**D035090        Barker v. County of San Diego**  
The appeal is dismissed without prejudice as it is from a non-appealable order.

**D035226        Conte v. San Diego County Superior Court/Day**  
The petition is denied.

**D033442        People v. Jones**  
The judgment is affirmed. O'Rourke, J.; We Concur: Work, Acting P.J., Huffman, J.

**D032132        Thomas v. ITT Hartford Insurance Group et al.**  
The judgment is affirmed. McIntyre, J.; We Concur: Work, J., Haller, J.

**D033188        People v. Ditimus**  
The judgment is affirmed. Huffman, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

**D034724        In re Baumer on Habeas Corpus**  
The petition is denied.

**COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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DIVISION ONE**

**April 6, 2000 (Continued)**

**D035182        In re King on Habeas Corpus**

The petition is denied.

**D035141        City of Chula Vista v. Workers' Compensation Appeals Board, et al.**

The petition is denied.

**D034961        In re DeWoody on Habeas Corpus**

The petition is denied.

**COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE**

**April 7, 2000**

**D031995        Ahuja v. University of California et al.**

Order dismissing action affirmed. Respondent entitled to costs on appeal. O'Rourke, J.;  
We Concur: Huffman, Acting P.J., McDonald, J.

**D031607        People v. Nevarez**

The judgment is affirmed. O'Rourke, J.; We Concur: Work, Acting P.J., Nares, J.